

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

KELLY MILLIGAN,
ON BEHALF OF HIMSELF AND
ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH INC., BANK OF AMERICA CORP.,
and JOHN/JANE DOE 1, THE SENIOR VICE
PRESIDENT–HUMAN RESOURCES
GLOBAL BANKING AND GLOBAL
WEALTH AND INVESTMENT
MANAGEMENT ADMINISTRATION AT
BANK OF AMERICA CORP.,

Defendants.

Civil Action No. 3:24-cv-00440-KDB-
DCK

Judge Kenneth D. Bell
Magistrate Judge David Keesler

CLASS ACTION

**[PROPOSED] ORDER ON PLAINTIFF’S UNOPPOSED MOTION TO FILE UNDER
SEAL CERTAIN EXHIBITS TO THEIR RESPONSE BRIEF IN OPPOSITION TO
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

THIS MATTER IS BEFORE THE COURT on Plaintiff’s Motion to File Under Seal Certain Exhibits to Their Response Brief in Opposition to Defendants’ Motion for Summary Judgment (“Motion”). Having carefully considered the Motion and the record, the undersigned will grant the Motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Rule (“LCvR”) 6.1 sets forth the process a party must follow in order to file a document under seal. *See* LCvR 6.1. Having considered the Motion and the record, the undersigned finds that the requirements of LCvR 6.1(c)(1) through (4) have been adequately met.

Through the Motion, Plaintiff seeks to file the following materials under seal:

- An unredacted version of *Plaintiff's Response Brief in Opposition to Defendants' Motion for Summary Judgment* ("Response Brief");
- An unredacted version of the Declaration of M. Zane Johnson ("Johnson Declaration");
- Exhibit A to the Johnson Declaration – an excerpt from a spreadsheet produced by Defendants containing information about each WealthChoice award payment made to Merrill financial advisors (spreadsheet produced as MERRILL_WDNC_00000001); and
- Exhibit F to the Johnson Declaration – document titled "US GAAP Month Ledger," which shows Merrill's calculated values for various components of FA compensation for 2022 and 2023.

According to the Motion, the above materials contain "sensitive or confidential information related to Merrill Lynch's financial advisor compensation program," as well as information related to Plaintiff's compensation while he was employed by Defendants."

Having considered the factors provided for in LCvR 6.1(c), the Court will grant the Motion to Seal.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Seal is **GRANTED**. The materials listed in Plaintiff's Motion shall remain under seal until otherwise ordered by this Court.

SO ORDERED.

Dated: _____

The Honorable David C. Keesler
United States Magistrate Judge